

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

14 February 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Executive Non Key Decisions

1 RESPONSE TO THE DLUHC NPPF CONSULTATION

1.1 Background

1.1.1 On 22 December 2022 the government commenced consultation on the 'Levelling-up and Regeneration Bill: reforms to national planning policy'.

1.1.2 This report constitutes the council's proposed response to the consultation, centred around the questions posed. This is included as **Annex 1**.

1.2 The consultation

1.2.1 The 'Levelling-up and Regeneration Bill: reforms to national planning policy' consultation documents are available to view at the [gov.uk website](https://www.gov.uk).

1.2.2 The consultation period opened on 22 December 2022 and runs until 2 March 2023. Therefore, the council has until this date to submit its response, which, once approved, will be actioned through the [online survey](#).

1.2.3 This consultation material consists of two documents: a document showing some proposed tracked changes to the current National Planning Policy Framework (NPPF) (2021) and the consultation document, or (NPPF) 'prospectus'. The [tracked changes document](#) (see also Annex 2) includes a limited number of potential amendments, the most significant proposed changes are set out below:

- Paragraph 11- that meeting housing need in full should not be at the expense of building at densities which would be significantly out-of-character with the existing area
- Paragraph 35- amendments to the 'tests of soundness' including wording that a local plan should seek to meet needs 'as much as is possible' and removal of the 'justified' test which currently reads as 'an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence'

- Chapter 5- that the standard method would be an 'advisory starting-point for establishing a housing requirement for the area'
- Paragraphs 75- 77- changes to the five-year housing land supply which make it easier for a local planning authority with an out-of-date plan to demonstrate compliance, through removal of the buffers (between 5 and 20%), and the presumption in favour of sustainable development will no longer apply where permissions have been granted for 115% of the housing delivery target over the relevant period
- Chapter 13- that local planning authorities would not be required to review and alter Green Belt boundaries if this would be the only way of meeting housing need in full.

1.2.4 The government proposes to respond to the consultation by spring 2023, publishing the revisions to the NPPF as part of this, so that the policy changes can take effect as soon as possible.

1.2.5 The second document, which constitutes the bulk of the consultation consists of 54 separate questions relating to the proposed changes included in the tracked changes document, and questions relating to future proposals, which would be subject to future technical consultations. The document does not set out a specific timetable for each matter but does state that it intends to consult on these matters in 2023.

1.2.6 **Annex 1** to this report sets out the full proposed council response to the consultation questions.

1.2.7 A further item including information on the implications of the proposed amendments and future direction set out within the consultation will be brought to the 21 March HPSSC with recommendations to Cabinet.

1.3 Legal Implications

1.3.1 There will be no legal implications associated with the council's response to the consultation.

1.4 Financial and Value for Money Considerations

1.4.1 There will be no direct financial and value for money considerations associated with the council's response to the consultation.

1.5 Risk Assessment

1.5.1 There are no defined reputational risks or otherwise relating to the council's response to the consultation.

1.6 Equality Impact Assessment

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Recommendations

Cabinet is requested to seek:

- 1.7.1 APPROVAL of the council's full response to the 'Levelling-up and Regeneration Bill: Reforms to National Planning Policy' as set out in **Annex 1**

Background papers:

Annex 1- Council response to the 'Levelling-up and Regeneration Bill: Reforms to National Planning Policy' consultation

Annex 2- Tracked changes version of the NPPF

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